

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**KAMEON VANKEIS AARON,  
ADC # 129521**

**PLAINTIFF**

**v.**

**No. 5:12-cv-180-DPM-JTK**

**CAROL KILGORE**

**DEFENDANT**

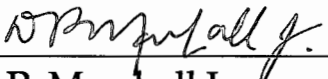
**ORDER**

The Court has considered Magistrate Judge Jerome T. Kearney's proposed findings and recommendations, *No.* 37. Aaron has not objected – his mail from the Court has been returned “undeliverable” since early October. He was released from prison at some point. It is not clear to the Court that Aaron received the motion for summary judgment, through Kilgore served it on him in late September. In the circumstances, the Court declines to adopt the recommendation, which goes to the merits. Aaron's complaint will be dismissed without prejudice for failure to prosecute and keep his address current. Local Rule 5.5(c).

The parties and the Court have devoted substantial time to this lawsuit. If Aaron seeks to reopen it, or to file another case based on his cell assignment, then the litigation should start by recognizing all the rulings

through September 2013 and reactivating Kilgore's motion for summary judgment. Having to refile everything is unnecessary.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

13 December 2013